

1
2 IN THE UNITED STATES DISTRICT COURT
3

4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5

6 THE BOARD OF TRUSTEES, in their
7 capacities as Trustees of the CEMENT
8 MASONS HEALTH AND WELFARE TRUST
9 FUND FOR NORTHERN CALIFORNIA,
10 CEMENT MASONS PENSON TRUST FUND
11 FOR NORTHERN CALIFORNIA, CEMENT
12 MASONS VACATION/HOLIDAY TRUST
13 FUND FOR NORTHERN CALIFORNIA
14 CEMENT MASONS APPRENTICESHIP AND
15 TRAINING TRUST FUND FOR NORTHERN
16 CALIFORNIA,

No. CV- 13-2639 MMC

JUDGMENT IN A CIVIL CASE

12 Plaintiffs,

13 v.

14 AAP CONCRETE, INC.,

15 Defendant.

16 _____ /
17 () **Jury Verdict.** This action came before the Court for a trial by jury. The issues
18 have been tried and the jury has rendered its verdict.
19

20 (X) **Decision by Court.** This action came to trial or hearing before the Court. The
21 issues have been tried or heard and a decision has been rendered.
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IT IS SO ORDERED AND ADJUDGED

23 1. To the extent the motion seeks an order compelling defendant to submit to an
24 audit of its records for the period January 1, 2011 through the date of the audit and that the
25 Court retain jurisdiction over the matter to enforce such order the motion is GRANTED.
26 Specifically, defendant is hereby ORDERED to submit to an audit, by auditors selected
27 by plaintiffs, at defendant's premises during business hours, or where the records are
28 kept, at a reasonable time or times, and to allow said auditors to examine and copy such

1 books, records, papers, and reports of AAP Concrete, Inc., that are relevant to the
2 enforcement of the collective bargaining agreement or trust agreements, including but not
3 limited to the following:

4 Individual earning records (compensation); W-2 forms; 1096 and 1099 forms;
5 reporting forms for all plaintiff trust funds; state DE-3 tax reports; workers
6 compensation insurance report; employee time cards; payroll journal; quarterly
7 payroll tax returns (form 941; check register and supporting cash voucher; form
8 1120 - 1040 or partnership tax returns; and general ledger (portion relating to
9 payroll audit).

10 2. To the extent the motion seeks judgment against defendant in the total amount
11 of \$36,196.22, consisting of principal contributions in the amount of \$15,493.77,
12 liquidated damages in the amount \$1050, interest in the amount of \$10,207.12, attorneys'
13 fees in the amount of \$8532.50, and costs in the amount of \$912.83, the motion is
14 GRANTED.

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16 Dated: December 9, 2014
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Richard W. Wieking, Clerk

Tracy Lucero

18 By: Tracy Lucero
19 Deputy Clerk

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